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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,039	06/01/2001	Wayne D. Jung	JJL10B	5400

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EXAMINER

KIM, PAUL L

ART UNIT PAPER NUMBER

2857

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,039

Applicant(s)

JUNG ET AL.

Examiner

Paul L Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 15-18, 20-27, 29 and 31-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 15-18, 29 and 31-46 is/are allowed.
- 6) ☒ Claim(s) 20-27, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 15 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 15 and 35 are objected to because of the following informalities: In line 15 of claim 15, the phrase "in the at least first system" should be "in at least the first system". In the last line of claim 35, the phrase "of an object to produced" should be "of an object to *be* produced". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus et al in view of Stumm.

Bacus et al teaches a method for controlling a system comprising: providing a first system, generating commands for the first system from a second location by a network connection, transmitting and receiving commands to the first system by an electronic connection, and operating the spectral measurement system in accordance with the operational commands (col. 3, lines 43-53). Bacus et al teaches the second location having an ability to store information but does not specify operational data being stored for the first system. Stumm teaches a method for operating a server system in which system operation data is stored in memory (col. 4, lines 57-63). Since

Art Unit: 2857

Bacus et al and Stumm are both within the art of communicating data over a network, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Bacus et al, so that data of system operation is stored, as taught by Stumm, so as to derive the added benefit of improved system troubleshooting by being able to analyze history of system operation.

4. Claims 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus et al in view of Aria.

Bacus et al teaches a method for controlling a system comprising: providing a first system, generating commands for the first system from a second location by a network connection, transmitting and receiving commands to the first system by an electronic connection, and operating the spectral measurement system in accordance with the operational commands (col. 3, lines 43-53). Bacus et al, however, does not specify color characteristics being measured. Aria teaches a method for measuring color characteristics of a specimen by spectral analysis (abstract). Aria does not teach the apparatus being controlled remotely. Since Bacus et al and Aria are both within the art of spectral analysis and since controlling devices remotely is well known in the art, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Bacus et al, so that spectral measurements include deciphering color characteristics, as taught by Aria, so as to derive the benefit of a versatile system that can perform a variety of tasks for added convenience.

Allowable Subject Matter

5. Claims 2-8, 15-18, 29, and 31-46 are allowed.

Response to Arguments

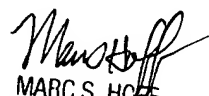
6. Applicant's arguments with respect to claims 20-27, 47, and 48 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217. The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
April 4, 2004


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800